

Forty-eighth Legislature
Second Regular Session

COMMITTEE ON JUDICIARY
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1332
(Reference to Senate engrossed bill)

1 Page 4, between lines 29 and 30, insert:

2 "Sec. 3. Title 13, chapter 6, Arizona Revised Statutes, is amended by
3 adding section 13-611, to read:

4 13-611. DNA sample; records; notice of disposal and expungement

5 A. IF THE DEPARTMENT OF PUBLIC SAFETY POSSESSES A PERSON'S
6 DEOXYRIBONUCLEIC ACID SAMPLE OR DEOXYRIBONUCLEIC ACID RECORDS PURSUANT TO
7 SECTION 13-610 AND THE DEPARTMENT RECEIVES A NOTICE OF DISPOSAL AND
8 EXPUNGEMENT PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL DISPOSE OF THE
9 DEOXYRIBONUCLEIC ACID SAMPLE AND EXPUNGE THE PERSON'S DEOXYRIBONUCLEIC ACID
10 RECORDS, INCLUDING ANY RECORDS MAINTAINED IN ANY ELECTRONIC DATABASE.

11 B. IF A DEOXYRIBONUCLEIC ACID SAMPLE IS TAKEN AT THE TIME OF A
12 PERSON'S ARREST, THE ARRESTING AGENCY SHALL ISSUE A NOTICE OF DISPOSAL AND
13 EXPUNGEMENT AND PROVIDE THE NOTIFICATION REQUIRED BY THIS SECTION ON THE
14 EARLIER OF EITHER:

15 1. THE ARRESTING AGENCY'S DECISION TO NOT REFER THE MATTER FOR
16 PROSECUTION.

17 2. THE TOLLING OF THE STATUTE OF LIMITATIONS FOR THE OFFENSE FOR WHICH
18 THE ARREST WAS MADE AND THE MATTER WAS NOT REFERRED TO THE PROSECUTING
19 AGENCY.

20 C. THE PROSECUTING AGENCY SHALL ISSUE A NOTICE OF DISPOSAL AND
21 EXPUNGEMENT AND PROVIDE THE NOTIFICATION REQUIRED BY THIS SECTION ON THE
22 EARLIER OF ANY OF THE FOLLOWING:

23 1. THE PERSON'S ACQUITTAL OF THE CHARGE OR CHARGES AT TRIAL.

24 2. THE DISMISSAL OF A CHARGE AFTER JEOPARDY HAS ATTACHED.

25 3. THE PROSECUTING AGENCY'S DECISION NOT TO PROSECUTE THE CHARGE,
26 INCLUDING A DECISION NOT TO PURSUE A PROSECUTION AFTER DISMISSAL OF THE
27 CHARGE WHEN JEOPARDY HAS NOT ATTACHED OR AFTER THE PERSON IS GRANTED
28 APPELLATE OR POSTCONVICTION RELIEF ON THE CHARGE.

29 4. THE TOLLING OF THE STATUTE OF LIMITATIONS FOR THE OFFENSE ON WHICH
30 THE CHARGE IS BASED.

1 D. THE NOTICE OF DISPOSAL AND EXPUNGEMENT SHALL INCLUDE SUFFICIENT
2 INFORMATION FOR THE DEPARTMENT OF PUBLIC SAFETY TO IDENTIFY THE
3 DEOXYRIBONUCLEIC ACID SAMPLE AND RECORDS THAT ARE THE SUBJECT OF THE NOTICE.

4 E. THE NOTICE OF DISPOSAL AND EXPUNGEMENT SHALL BE DELIVERED, IF
5 APPLICABLE, TO ALL OF THE FOLLOWING:

6 1. THE DEPARTMENT OF PUBLIC SAFETY.
7 2. THE COURT, IF THE NOTICE OF EXPUNGEMENT IS ISSUED PURSUANT TO
8 SUBSECTION C, PARAGRAPH 1 OR 2 OF THIS SECTION.

9 3. THE PERSON.
10 4. THE PROSECUTING AGENCY.
11 5. THE ARRESTING LAW ENFORCEMENT AGENCY.
12 6. THE PERSON'S DEFENSE ATTORNEY.

13 F. A NOTICE OF DISPOSAL AND EXPUNGEMENT IS NOT REQUIRED IF THE
14 DEOXYRIBONUCLEIC ACID SAMPLE IS TAKEN PURSUANT TO SECTION 13-610 AS A RESULT
15 OF MULTIPLE OFFENSES AND THE PROVISIONS OF THIS SECTION DO NOT APPLY TO AT
16 LEAST ONE OF THE OFFENSES.

17 G. FOR THE PURPOSES OF THIS SECTION:
18 1. "DEOXYRIBONUCLEIC ACID RECORD" MEANS ANY DEOXYRIBONUCLEIC ACID
19 SAMPLE AND RELATED TEST RESULTS.

20 2. "DEOXYRIBONUCLEIC ACID SAMPLE" MEANS A SUFFICIENT SAMPLE OF BLOOD
21 OR OTHER BODILY SUBSTANCES THAT IS SECURED PURSUANT TO SECTION 13-610 FOR
22 DEOXYRIBONUCLEIC ACID TESTING."

23 Renumber to conform

24 Amend title to conform

and, as so amended, it do pass

EDDIE FARNSWORTH
Chairman

1332-jud
4/10/08
H:jmb

1332EF
04/09/2008
1:10 PM
C: sp